

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

PLAINTIFF ROBBIE KELLY'S REQUESTED VOIR DIRE QUESTIONS

To the Honorable Reed O'Connor, United States District Judge:

In accordance with paragraph 8(f) of the Court's August 11, 2011 Scheduling Order, Plaintiff Robbie Kelly respectfully requests that prospective jurors be asked the following questions. Further, Plaintiff requests the opportunity for her counsel to directly question, or present additional questions, to prospective jurors.

I. Knowledge of or Bias Towards Any Interested Party

1. Do you know any witnesses or attorneys, or anything about those persons that would incline you to lean for or against them?
 2. Do you work for, or are you related to anyone who works for, Christ Academy?
 3. Do you have a child who attends or has attended Christ Academy?
 4. Do you have any friends or acquaintances who work for Christ Academy?
 5. Would you have a problem awarding damages against Christ Academy for any reason?

II. Juror's Previous Experience

6. Have you served previously on a jury panel?
7. Do you have any legal training? Have you attended law school, taken paralegal courses, or law courses in college, for example?
8. Do you have employment experience in a law office?

III. General Bias or Prejudice

9. Before the trial starts do you have any experiences we have not touched on that would influence you, or make you lean slightly one way or the other?
10. Please name three famous people you consider to be your heroes. You must give us names we would recognize – you cannot name someone like your mother or grandfather or child, as much as that would be appropriate for you personally.
11. Do you have any friends, neighbors, co-workers, church members, or relatives on this jury panel?
12. Do you have a general opinion about Christ Academy?
13. Do you believe that Christ Academy is so important to our community that someone does a disservice by taking their time in a lawsuit?
14. Do you know of anyone who is against lawsuits as a way to settle a dispute?
15. Do you have a bias against people bringing lawsuits?
16. Do you have a bias against defendants in a lawsuit?
17. Do you know anyone who has been sued? May I ask the nature of the case?
18. If you have been sued, is there anything about the situation that would cause you to be biased against the plaintiff because you have been in the position of being sued?
19. If you work with women as professional peers – that is, at the same level at work – do you have any problems with that relationship?
20. Do you think that, most of the time, the most reasonable explanation for a perceived injustice is “stuff happens” and that it just part of life?
21. Do you think that laws are so demanding that they make it difficult for schools to conduct business?

22. Do you have experience dealing with a workplace bully? If so, were you successful in dealing with it?

IV. Bias or Prejudice with Respect to this Type of Case

23. Do you now work for, or have you ever worked for or owned, a business that was sued?

- a. If so, and without going into detail, what type of claim was made against the company?
- b. Did that lawsuit have grave consequences for the business?
- c. Do you feel that you or the company was treated fairly in the process?

24. Do you have a relative or close friend or neighbor who has been sued?

- a. If so, and without going into detail, what type of claim was made against in that case?
- b. Do you feel that your relative or friend was treated fairly in the process?

V. Document Destruction

25. Do you think that a defendant in a lawsuit will ever admit that it made an improper decision?

26. Have you ever been asked to destroy important documents in a situation where you believed the intent was to destroy evidence?

27. How did you feel about that?

28. Do you believe that a party would knowingly destroy evidence if he or she had nothing to hide?

VI. Injury and Damages

29. Do you have a problem with the concept of awarding damages for psychological harm -- such as mental anguish, anxiety, stress or humiliation -- if the evidence supports such an award?
30. Are you aware that money is the only form of compensation that a person can seek under our system of justice?
31. Do you have any negative feelings toward a person who comes to court asking to be compensated with money for an injury they have suffered?
32. Is there anything in your background or your beliefs that gives you any unfavorable feelings about a person seeking to recover damages for more than the actual expenses incurred as a result of that damage?
33. Do you support the Texans Against Lawsuit Abuse, Citizens Against Lawsuit Abuse, or any similar type organization?
34. Do you think there are too many frivolous lawsuits?
35. Do you agree that a person can be hurt even if you cannot really see the damage?

VII. Standards of Proof

36. Do you understand and accept the concept that circumstantial evidence is just as valuable as direct evidence in a case such as this?
37. Do you understand and accept the difference in the burden of proof required in a civil case vs. a criminal case?
38. Do you understand and accept that different claims have different elements of proof?
39. Do you understand that lawyers will make objections to evidence at times during the trial and that when the court rules on an objection, that means that the information should or should not come into evidence, and it does not mean that the court has expressed an opinion as to which side should prevail?
40. Do you understand that you must decide the case based on the evidence presented from witness box, not based on what the lawyers say, because that is not evidence?
41. Do you understand that you are responsible for independently making up your own mind and reaching your own conclusions about this case?

Dated July 26, 2012.

Respectfully submitted,

/s/ Rod Tanner

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Certificate of Service

I hereby certify that on July 26, 2012, I electronically submitted the foregoing document to the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a *Notice of Electronic Filing* to the following attorneys who have consented in writing to accept this Notice as service of this document by electronic means:

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